

In the Matter of:

MyEx.com

March 28, 2017
Aniello Infante

Condensed Transcript with Word Index



For The Record, Inc.
(301) 870-8025 - www.ftrinc.net - (800) 921-5555

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18				14	Youngstown, Ohio 44512	
19				15		
20				16	The above-entitled matter came on for	
21				17	investigational hearing, pursuant to notice, at 10:00 a.m.	
22				18		
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		FEDERAL TRADE COMMISSION				

1 (Pages 1 to 4)

	5		7
1	APPEARANCES:	1	outlined in the Commission's Rules of Practice,
2		2	specifically Part 2, nonjudicative procedures, subpart A,
3	ON BEHALF OF THE FEDERAL TRADE COMMISSION:	3	which pertains to investigations and investigational
4	Megan E. Cox, Attorney	4	hearings, beginning with Sections 2.1 through 2.14. The
5	Allison M. Lefrak, Attorney	5	attention of counsel is invited to Section 2.9 of these
6	Federal Trade Commission	6	rules, which provide that any person compelled to appear
7	600 Pennsylvania Avenue, NW	7	and testify or produce documentary evidence may be
8	Washington, DC 20580	8	accompanied, represented, and advised by counsel according
9	(202) 326-2282	9	to the Federal Trade Commission rules. Representation by
10	(202) 326-2804	10	counsel in this hearing will be in accordance with the
11	mcox1@ftc.gov	11	rules as prescribed by Section 2.9, Subparts B1 through
12	alefrak@ftc.gov	12	B5.
13		13	I'm here today to speak with -- I'm here to speak
14		14	with you today about the topics outlined in the Civil
15	ON BEHALF OF ANIELLO INFANTE:	15	Investigative Demand that I've marked here as Exhibit 1 in
16	John B. Juhasz, Attorney	16	this proceeding. In order to facilitate reference during
17	7081 West Boulevard	17	the hearing, I request copies of the Commission's
18	Suite 4	18	resolution form of compulsory process specifications to
19	Youngstown, Ohio 44512	19	Mr. Infante be placed into the record as Commission's
20	(330) 758-7700	20	Exhibit 1. I would add that all exhibits submitted in the
21		21	course of this hearing will be retained for copying
22		22	purposes by Commission counsel and are not the
23		23	responsibility of the reporter.
24		24	Now, I have a few preliminary instructions and
25		25	questions for you. Please state your full name for the
	6		8
1	PROCEEDINGS	1	record.
2	- - - - -	2	A. Aniello Infante.
3	Whereupon--	3	Q. Are you represented by counsel today?
4	ANIELLO NEIL INFANTE	4	A. Yes.
5	a witness, called for examination, having been first duly	5	Q. And who is that?
6	sworn, was examined and testified as follows:	6	A. Attorney John Juhasz.
7	EXAMINATION	7	Q. Okay. Have you ever had your deposition taken
8	BY MS. COX	8	or given testimony before?
9	Q. Good morning. I'm Megan Cox, and I'm a staff	9	A. No.
10	attorney at the Federal Trade Commission in the division	10	Q. Today, I'm going to ask you questions that
11	of privacy and identity protection. With me today is	11	relate to issues we're investigating about MyEx. Your
12	Allison Lefrak, also a staff attorney at the FTC. Let the	12	answers will be recorded by our court reporter, who can
13	record reflect that this proceeding was convened at 10:05	13	only transcribe oral responses. Therefore, it is
14	a.m., March 28th, 2017, at the offices of John Juhasz in	14	important that you respond to my questions orally and not
15	Youngstown, Ohio. This is a nonpublic proceeding of the	15	with gestures; you understand?
16	Federal Trade Commission.	16	A. Yes.
17	I represent the Federal Trade Commission. I am here	17	Q. Also, it is important that we not speak over
18	today for the purpose of gathering information related to	18	one another. Please wait until I have finished asking a
19	a commission investigation of MyEx.com, which I will refer	19	question before you answer and, likewise, I will do my
20	to as MyEx during this proceeding. This proceeding	20	best not to interrupt your answers; do you understand?
21	relates to the Commission's investigation to determine	21	A. Yes.
22	whether MyEx has engaged or is engaging in any unfair or	22	Q. If you do not understand any question I ask,
23	deceptive acts or practices in it or affecting commerce in	23	please tell me so that I may explain it or rephrase it; do
24	violation of the Federal Trade Commission Act.	24	you understand?
25	The procedures for this investigational hearing are	25	A. Yes.

9

11

1 Q. We will take breaks for the benefit of you and
 2 our court reporter. If at any time you would like to take
 3 a break, please just let me know, and we will do just
 4 that. If there is a question pending or if you are in the
 5 middle of answering a question, I will ask you to finish
 6 answering, and then we'll take a break. Do you
 7 understand?

8 A. Yes.

9 Q. If at some point later during the
 10 investigational hearing you remember some information that
 11 makes you think a previous answer that you gave is
 12 incomplete or incorrect, please let me know that you would
 13 like to add something or correct an earlier answer, and we
 14 can do that while the information is fresh in your mind;
 15 do you understand that?

16 A. Yes.

17 Q. Following the completion of my examination, you
 18 may request to clarify any answers in order that we may --
 19 in order that they may not be left equivocal or incomplete
 20 for the record. If when you're answering a question, you
 21 think there might be a document that could help you answer
 22 the question more completely or accurately, please let me
 23 know. We may have those documents here with us today.
 24 Will you do that?

25 A. Yes.

1 Q. So you received the CID through Fed Ex?

2 A. Through Fed Ex; correct.

3 Q. Do you understand that this document requires
 4 you to testify here today?

5 A. Yes.

6 Q. Can you please flip to Page 11 of the
 7 specifications and review the specifications for oral
 8 testimony listed on Page 11 to 12, which are the topics on
 9 which I'm seeking testimony today.

10 A. Page 11. Okay.

11 Q. Okay.

12 A. Okay. So -- oh.

13 Q. You've had a chance to review the topics?

14 A. Correct; yes.

15 Q. And now, please turn to review the
 16 interrogatory requests, Pages 6 through 9.

17 A. Okay.

18 Q. Have you had a chance to review it?

19 A. Yes.

20 Q. Now please turn to Page 1 of the CID form. And
 21 on there, you will see there is a date and time for
 22 documents and Answers to Interrogatories of September
 23 12th, 2016. On the front page, I'm sorry.

24 A. Okay. Yes.

25 Q. Do you see the date of September 12th, 2016 --

10

12

1 Q. If you do not know or do not remember the
 2 information necessary to answer a question, please just
 3 say so. Do you understand?

4 A. Yes.

5 Q. Is there any reason that you would not be able
 6 to testify completely, truthfully, and accurately today?

7 A. No.

8 Q. Such as taking any medications that might
 9 impair your senses?

10 A. No.

11 Q. Thank you. I've handed you a document that has
 12 been marked as Exhibit 1, and please note that the
 13 exhibits are two-sided when you're flipping through it.

14 A. Okay.

15 Q. I'll represent that Exhibit 1 is the Civil
 16 Investigative Demand issued to you, Aniello Neil Infante,
 17 by the FTC in the Commission's investigation. Please take
 18 a moment to review the document.

19 A. These are same.

20 Q. Have you seen the document marked as Exhibit 1
 21 before?

22 A. Yes.

23 Q. When?

24 A. When you first mailed them out to me back in, I
 25 want to say, August.

1 A. Yes.

2 Q. -- for the documents and answers? Did you
 3 produce answers and documents by September 12th, 2016?

4 A. No, I did not.

5 Q. And did you receive letters from the Commission
 6 stating you were not in compliance with the CID?

7 A. No. Or, I'm sorry, can you repeat the
 8 question?

9 Q. Did you receive letters from myself, staff at
 10 the Federal Trade Commission stating that you were not in
 11 compliance with the Civil Investigative Demand?

12 A. Yes.

13 Q. And that it would be enforced through our
 14 Office of General Counsel?

15 A. Yes.

16 Q. And did you learn of our enforcement action in
 17 federal court in this matter?

18 A. Yes.

19 Q. How did you learn of the Commission's filed
 20 enforcement action?

21 A. Actually by -- just by a news article, a news
 22 article I saw on WFMJ.com.

23 Q. And how did you find the news article? You
 24 were just reading the news?

25 A. Yeah, I read, you know, WFMJ, just looking

3 (Pages 9 to 12)

<p>1 through that, and I saw, you know, feds want Austintown 2 man. And it was me, my name. So --</p> <p>3 Q. And so in response to that, you were in touch 4 with the Commission, and you did produce your 5 interrogatory responses; correct?</p> <p>6 A. Correct. Then I hired an attorney, Attorney 7 Juhasz. We sat down and answered the questions that were 8 produced in the CID.</p> <p>9 Q. And did you have any documents to produce to 10 the Commission?</p> <p>11 A. No.</p> <p>12 Q. And do you have any documents with you here 13 today to produce to the Commission?</p> <p>14 A. Just the answers from -- from what Attorney 15 Juhasz sent you.</p> <p>16 Q. And that was already produced?</p> <p>17 A. Okay. Yeah.</p> <p>18 Q. So did you do anything to prepare for the 19 hearing today? Did you --</p> <p>20 A. Go ahead.</p> <p>21 Q. Did you review any other documents besides your 22 interrogatory responses?</p> <p>23 A. Oh, no.</p> <p>24 Q. Did you speak with anybody about MyEx.com or 25 EMP Media?</p>	<p>13</p> <p>1 a bartender. That was in between, I'm sorry, Cleveland 2 Clinic and General Motors in 1997.</p> <p>3 Q. And were you previously employed at EMP Media, 4 Inc.?</p> <p>5 A. Well, in '08. That's when I was put on the 6 corporation as -- as an employee, I guess.</p> <p>7 Q. And what was your position there? Did you have 8 a title?</p> <p>9 A. Well, I was put on the title as president, 10 secretary, but it was used to -- to obtain credit card 11 machine -- a merchant processing machine.</p> <p>12 Q. And a merchant processing machine is?</p> <p>13 A. To take credit cards for the business.</p> <p>14 Q. And you said this was in 2008 that you were put 15 on the documents for this corporation?</p> <p>16 A. Correct; yes.</p> <p>17 Q. And do you know who else worked for EMP Media, 18 Inc.?</p> <p>19 A. Shad Applegate.</p> <p>20 Q. Any others?</p> <p>21 A. And later, like a year later, Burak Baskan, I 22 think, who I met once or twice.</p> <p>23 Q. And on your interrogatory responses, you also 24 mentioned businesses associated with you. Were you 25 previously associated with Global Computer Enterprises?</p>
<p>14</p> <p>1 A. No.</p> <p>2 MR. JUHASZ: Objection. Aside from his 3 counsel?</p> <p>4 Q. Aside from counsel.</p> <p>5 A. Okay. No.</p> <p>6 Q. What is your educational background? I guess 7 I'd like to ask a few questions. Beginning with high 8 school, if you could explain your education background.</p> <p>9 A. Yeah. Completed high school. I went on to 10 become an X-ray technician -- technologist. That was an 11 Associate's degree. And then that's as far as education 12 wise.</p> <p>13 Q. And are you currently employed?</p> <p>14 A. Yes, I am.</p> <p>15 Q. Where?</p> <p>16 A. At General Motors.</p> <p>17 Q. And how long have you been employed there?</p> <p>18 A. Seventeen years.</p> <p>19 Q. And where did you -- did you have any previous 20 employment previous to GM?</p> <p>21 A. Cleveland Clinic for two years.</p> <p>22 Q. And what was your title there?</p> <p>23 A. X-ray technologist.</p> <p>24 Q. And any employment prior to that?</p> <p>25 A. I lived -- Imperial Palace in Las Vegas. I was</p>	<p>14</p> <p>1 A. Yes. That's -- but there was no -- just 2 opening up a corporation in Nevada. That was -- that's 3 all it did. Nothing --</p> <p>4 Q. And who opened up the corporation in Nevada?</p> <p>5 A. I did.</p> <p>6 Q. And what was the business?</p> <p>7 A. Computer business.</p> <p>8 Q. Reselling computers?</p> <p>9 A. Correct.</p> <p>10 Q. And did you work with anyone on this business?</p> <p>11 A. No.</p> <p>12 Q. So who were the customers for this business?</p> <p>13 A. There was no -- I mean, like I said, it didn't 14 do any business at all. I just opened up the corporation.</p> <p>15 Q. Okay.</p> <p>16 A. There was no --</p> <p>17 Q. And Mosquito -- were you previously associated 18 with Mosquito Marketing, LLC?</p> <p>19 A. Yes, I was put on that corporation to -- to try 20 to obtain a merchant account for Mosquito.</p> <p>21 Q. And was this a business you opened?</p> <p>22 A. No, I did not.</p> <p>23 Q. Who opened this business?</p> <p>24 A. Eun E. Kim.</p> <p>25 Q. Who is that?</p>
<p>13</p> <p>1 through that, and I saw, you know, feds want Austintown 2 man. And it was me, my name. So --</p> <p>3 Q. And so in response to that, you were in touch 4 with the Commission, and you did produce your 5 interrogatory responses; correct?</p> <p>6 A. Correct. Then I hired an attorney, Attorney 7 Juhasz. We sat down and answered the questions that were 8 produced in the CID.</p> <p>9 Q. And did you have any documents to produce to 10 the Commission?</p> <p>11 A. No.</p> <p>12 Q. And do you have any documents with you here</p>	<p>15</p> <p>1 a bartender. That was in between, I'm sorry, Cleveland 2 Clinic and General Motors in 1997.</p> <p>3 Q. And were you previously employed at EMP Media, 4 Inc.?</p> <p>5 A. Well, in '08. That's when I was put on the 6 corporation as -- as an employee, I guess.</p> <p>7 Q. And what was your position there? Did you have</p>

	21		23
1 Q. And do you draw a salary related to this 2 company? 3 A. No. 4 Q. And what is the status of this company today? 5 A. I think it's dissolved, I want to say. 6 Q. But your name was on corporate records at some 7 point related to Top Hat, Incorporated? 8 A. Yeah, I think so, yeah. 9 Q. You also put down the company VIP Host 10 International, LLC. What is this company? 11 A. That's just -- was going to be used to -- for 12 VIP services in Las Vegas. 13 Q. What do you consider VIP services? 14 A. They -- taking people to clubs or golfing or -- 15 that was the main purpose, you know. People coming to 16 Vegas, they like a chauffeur, more or less. 17 Q. And who did you work with to create this 18 company? 19 A. Myself and Shad Applegate. 20 Q. And what is the status of this company today? 21 A. It's doing nothing at all. 22 Q. Did you draw a salary related to VIP Host 23 International? 24 A. No. 25 Q. Was anyone else associated with it besides you	1 created a company, and he, you know, asked me, do I want 2 to be on this corporation, to try to get a merchant 3 account. Because I had the good credit; he didn't. And 4 then that's when he said, you know, he'll pay me a salary 5 and also a car payment once a month. So I said, you know, 6 fine; sure. 7 Q. And when did that start, the arrangement where 8 you were getting a salary and a car payment for being on 9 the -- 10 A. Yeah, about '08, 2008. I can't recall what 11 month. 12 Q. And through what time did this -- did your -- 13 were you part of the corporation that allowed EMP Media to 14 exist? 15 A. As far as getting the salary or -- 16 Q. Sure, salaried. 17 A. Yeah, up until 2015, I want to say. 18 Q. And why did it stop in 2015, the salary? 19 A. It was -- I think the company dissolved. It 20 was producing nothing. No income. 21 Q. So your understanding is that EMP Media 22 dissolved, because it was no longer earning an income? 23 A. Correct. 24 Q. Because it was no longer creating web sites and 25 advertising?		
	22		24
1 and Shad Applegate? 2 A. No. 3 Q. So now I'd like to speak a bit more about EMP 4 Media. You mentioned having a merchant account related to 5 it, and that you had the title over the years of 6 president, treasurer, secretary. How did those titles 7 relate to having a merchant account for EMP Media? 8 A. Well, when you apply for a merchant account, 9 they want to know, you know, how are you associated with 10 EMP Media. So I was put on as president, secretary, 11 director. 12 Q. And what can you tell me about EMP Media's 13 business? 14 A. They are more creating web sites, advertising, 15 and marketing also. 16 Q. And who does the creation of the web sites, the 17 advertising, and the marketing? 18 A. From what I recall, Shad Applegate and Burak 19 Baskan. He was the IT, I guess, person. 20 Q. And beyond marketing, ads, and web sites, were 21 there any other products or services that it provided? 22 A. Not that I recall. 23 Q. How did you come to be associated with EMP 24 Media? 25 A. Well, I -- friends with Shad Applegate, and he	1 A. From what I -- yeah. From what I was told, you 2 know, I -- I never -- you know, did anybody web sites or 3 -- for the company. 4 Q. Who told you that it was dissolving? 5 A. Shad Applegate. 6 Q. How did he tell you? 7 A. Probably through E-mail. 8 Q. Do you still work with or for anyone who worked 9 at EMP Media, Inc.? 10 A. No. 11 Q. Who else worked at EMP Media? 12 A. From what I recall, just them two, Shad and 13 Burak. 14 Q. Who was in charge of EMP Media? 15 A. I'd say day-to-day in Vegas was Shad Applegate. 16 Q. So you did not have any responsibilities for 17 the day-to-day administration -- 18 A. No. 19 Q. -- of EMP Media? 20 A. No. 21 Q. Did you ever visit EMP Media's offices? 22 A. I'd say twice. 23 Q. Can you describe the circumstances under which 24 you visited their offices? 25 A. Just from -- just maybe going in, just seeing		

29

1 **he call you or did you call him?**
 2 A. I had called him.
 3 **Q. Why did you call him?**
 4 A. No, just to say that, hey, next Tuesday, that's
 5 the -- that's when I go for that Civil, you know,
 6 Investigative Demand. So --
 7 **Q. And you called him -- did you call him on the**
 8 **phone number that you provided us as his phone number in**
 9 **your interrogatory responses?**
 10 A. Yeah, I believe so.
 11 **Q. Is there any other contact information you have**
 12 **for him, besides the phone number and the E-mail address**
 13 **that was the Gmail address you provided a few minutes ago?**
 14 A. No.
 15 **Q. Do you know where he was when you spoke with**
 16 **him on the phone?**
 17 A. No.
 18 **Q. And prior to speaking to him a week ago,**
 19 **previous to that, when was the last time you had**
 20 **communicated with him?**
 21 A. Maybe a month or so, maybe through E-mail
 22 conversation.
 23 **Q. And is that content of your other**
 24 **communications related to business or personal or?**
 25 A. Just, yeah, probably personal, you know.

31

1 **Q. Do you know what his citizenship is?**
 2 A. US citizen.
 3 **Q. And you're saying he likes to travel. Do you**
 4 **know where he travels to?**
 5 A. I mean, throughout the -- throughout the world.
 6 You know, different places.
 7 **Q. Does he have a home address?**
 8 A. I believe -- I don't know exactly, but, I mean,
 9 I thought -- pretty sure Las Vegas.
 10 **Q. So when he's not traveling abroad, when he's in**
 11 **the United States, he's typically in Las Vegas?**
 12 A. Correct.
 13 **Q. Where did you see him when you last saw him two**
 14 **to three years ago?**
 15 A. Las Vegas.
 16 **Q. Where specifically in Las Vegas?**
 17 A. I think he picked me, you know -- where did I
 18 stay at? Oh, boy. I think I stayed at the Mirage, and he
 19 picked me up, and we went out for dinner and drinks.
 20 **Q. Has he gone by any other names that you know**
 21 **of?**
 22 A. No.
 23 **Q. Does he have a significant other at this time?**
 24 A. Not that I know.
 25 **Q. Do you know anyone else who knows him or knows**

30

1 **Q. You consider him a friend, and you communicate**
 2 **to catch up about life and other things?**
 3 A. Yeah; yeah.
 4 **Q. How often do you speak with him on the phone?**
 5 A. Oh, maybe -- maybe once a month, I'd say.
 6 **Q. And prior to a week ago, had you told him about**
 7 **our investigations and prior attempts to meet with you**
 8 **about EMP Media, Inc.?**
 9 A. Correct; yeah. I do, yeah.
 10 **Q. And what was his reaction when you first told**
 11 **him about our investigation?**
 12 A. That it's -- you know, they're going to ask you
 13 questions, I guess, or -- I don't know if he knew, but he
 14 just said, I mean, maybe you do have to go, I mean, to
 15 answer the question because you're on the corporation, you
 16 know, so --
 17 **Q. When was the last time you saw him in person?**
 18 A. It's probably been about two or three years
 19 ago.
 20 **Q. What is Shad Applegate's nationality?**
 21 A. Oh, boy. I think he told me Belgium. Put
 22 Belgium, Belgiumese.
 23 **Q. He was born in Belgium?**
 24 A. No, I don't think he was born in Belgium. But
 25 as far as, like I'm Italian. I wasn't born in Italy.

32

1 **where he is?**
 2 A. No.
 3 **Q. Is there any other information you have about**
 4 **him that would help us locate him?**
 5 A. No.
 6 **Q. Do you know an individual by the name of Jason**
 7 **Fisher?**
 8 A. Yes.
 9 **Q. Who is he?**
 10 A. If I understand, he was the corporate attorney
 11 for EMP Media.
 12 **Q. And how long have you known Jason Fisher?**
 13 A. Probably about three years now.
 14 **Q. When did you first meet him?**
 15 A. Probably about three years ago. At the same
 16 time when I went out and saw Shad, we -- we went to
 17 Jason's.
 18 **Q. And where was Jason's?**
 19 A. Jason's house. In Las Vegas.
 20 **Q. And what was his role at EMP Media?**
 21 A. He was the corporate attorney. That's what I
 22 was led to believe.
 23 **Q. What services did he provide for EMP Media?**
 24 A. Oh, I -- you know, lawyer services. I --
 25 that's all I know.

33

1 **Q. Do you still have a relationship or have you
2 been in contact with Jason Fisher in the last year?**

3 A. Yes. I sent him also this Civil Investigative
4 Demand.

5 **Q. Why did you send the CID to Jason Fisher?**

6 A. Because it dealt with EMP Media. And he's the
7 corporate lawyer.

8 **Q. And had you met with him regularly in your
9 capacity as president or treasurer or interacted with him
10 in that capacity about EMP Media?**

11 A. No, just -- I just, like I said, knew that he
12 was the corporate lawyer.

13 MS. COX: Could we go off the record?

14 (Discussion off the record)

15 **Q. I've handed you a document that has been marked
16 as Exhibit 2. Please review this document. Do you
17 recognize this document?**

18 A. Yes, I do.

19 **Q. What is it?**

20 A. It's my responses to the Civil Investigative
21 Demand.

22 **Q. Please turn to Page 4 of the document.**

23 A. Okay.

24 **Q. Midway down the page, it states, based upon
25 information furnished to respondent by Shad Applegate,**

1 **Midway down, it states, I helped Shad Applegate set up the
2 company, and he used my name and credit to obtain credit
3 card processing. Beyond that, I had --**

4 MR. JUHASZ: I'm sorry, where are you,
5 please?

6 **Q. Page 5.**

7 MR. JUHASZ: Yeah, what --

8 **Q. Midway down the page.**

9 MR. JUHASZ: Oh, the answer to Interrogatory
10 No. 5?

11 **Q. 5A.**

12 MR. JUHASZ: Okay. See it, Neil, 5A?

13 A. Yeah. Okay.

14 **Q. What do you mean that you helped Shad Applegate
15 set up the company?**

16 A. As far as, like, when you set up a corporation,
17 you have to put down a president, secretary, CEO, through
18 Las Vegas, you know, Secretary of State. So he -- that's
19 what he was telling me. He was using my name to put it
20 on. Then we're going to go after a merchant account.

21 **Q. Did you receive any mail or other
22 communications in incorporating the corporation?**

23 A. No, not --

24 **Q. Anything else related to how the corporation
25 was incorporated that we should know about?**

34

1 **respondent believes that Mr. Applegate maintained a web
2 site known as Erotic MP; do you see that?**

3 A. Yes.

4 **Q. What information led you to believe that Mr.
5 Applegate maintained this web site? Did Mr. Applegate
6 tell you that?**

7 A. Oh, yes.

8 **Q. When did Mr. Applegate tell you that?**

9 A. Probably '08 or '09.

10 **Q. And why did this web site exist?**

11 A. From what I understand, it's just marketing for
12 different massage parlors and clubs.

13 **Q. Does it still exist today?**

14 A. Not that I know of, no.

15 **Q. Were you ever on any documents related to
16 Erotic MP?**

17 A. I think it was associated with EMP Media, so
18 that's how I was on as the president, yeah.

19 **Q. Okay. And do you know if Erotic MP was related
20 to MyEx.com?**

21 A. No.

22 **Q. It was not associated with MyEx or you don't
23 know?**

24 A. Yeah, I don't know, I guess.

25 **Q. Okay. Please turn to Page 5 of the exhibit.**

1 A. No.

2 **Q. Were you ever contacted related to the credit
3 card processing account?**

4 A. No. I think they would just -- I filled out
5 paperwork, you know, putting my name, Social Security
6 number.

7 **Q. What paperwork did you fill out?**

8 A. Oh, boy. It would be like an application.

9 **Q. And who was the application submitted to?**

10 A. Oh, boy. I -- I don't recall. It's been that
11 long.

12 **Q. Did you keep a copy of the application?**

13 A. No, I don't think I did.

14 **Q. And for credit card processing, why would EMP
15 Media, Inc., need a credit card processor?**

16 A. From what I recall, it's if people want to
17 advertise on Erotic MP or if they want to -- another thing
18 is they buy and sell advertising to -- kind of like
19 Google. They buy advertising, then they sell it to
20 different sites to make them -- how is it put, to make
21 them -- to make them number one on a certain page, or a
22 Google page.

23 **Q. So a high search response results?**

24 A. Yeah; correct; yes.

25 **Q. Thank you. Do you know a person by the name of**

36

37

1 **James Lynch?**

2 A. No.

3 **Q. If you flip back to Page 4 of your response.**
 4 At the bottom, the answer to No. 4 B in response to
 5 asking, identify the individuals who have provided
 6 services for the web site. You replied, respondent has no
 7 firsthand knowledge of any individuals who provided
 8 services for the web site. Respondent on one or two
 9 occasions met Burak Baskan, who was described as the
 10 corporate IT guy. What were the circumstances of the
 11 meeting in which you met Burak Baskan?

12 A. Oh, just -- just from Shad telling me he's my,
 13 you know, information technology, IT, you know.

14 **Q. Where were you when you met Burak Baskan?**

15 A. At the office in Las Vegas.

16 **Q. Was anyone else there besides you and Shad and**
 17 **Burak Baskan?**

18 A. No, I don't recall, no.

19 **Q. And was this three years ago?**

20 A. This was probably about five.

21 **Q. And do you know where Burak Baskan is today?**

22 A. No.

23 **Q. Do you have any way of contacting Burak Baskan?**

24 A. No.

25 **Q. You said he was the IT guy. Do you know**

39

1 don't know if she was, you know -- I assume she was living
 2 there. That's, you know --

3 **Q. And do you know, does she travel abroad?**
 4 A. No, I don't know that, no.
 5 **Q. Do you know anything about Diro Media, LLC?**
 6 A. No.
 7 **Q. D-I-R-O Media? Do you know of the company Web**
 8 **Traffic Networks?**
 9 A. No.
 10 **Q. Do you know of the corporation T and A Media,**
 11 **Incorporated?**
 12 A. No.
 13 **Q. Do you know of the corporation Hot Media,**
 14 **Limited?**
 15 A. I mean, that I do recall.
 16 **Q. What do you know about Hot Media, Limited?**
 17 A. I think Shad had mentioned he had purchased a
 18 domain name, Hot.com. And that maybe -- maybe Hot Media
 19 and them are together or -- that's about it on that.
 20 **Q. And when did Shad mention that he bought**
 21 **Hot.com?**
 22 A. This was about three years ago, I want to say.
 23 **Q. Do you know of ADT Search Media?**
 24 A. No.
 25 **Q. Do you know about Internet Secrets, LLC?**

38

1 **anything else about his duties related to Erotic MP,**
 2 **MyEx.com, or EMP Media?**

3 A. No.

4 **Q. Do you know a person by the name of Dena Renee**
 5 **Wright?**

6 A. No.

7 **Q. Or Dean Renee Wright?**

8 A. No.

9 **Q. Do you know a person by the name of Bogden**
 10 **Prunes?**

11 A. No.

12 **Q. Do you know a person by the name of B -- or**
 13 **first initial B. Lambert?**

14 A. No.

15 **Q. And you've mentioned a person, Eun E. Kim,**
 16 **earlier today?**

17 A. Uh-huh.

18 **Q. Do you know where Eun Kim is today?**

19 A. No, I do not.

20 **Q. Do you have any way of being in touch with Eun**
 21 **Kim?**

22 A. No.

23 **Q. Do you know what state Eun Kim lived in when**
 24 **you met her?**

25 A. I don't know what -- I met her in Vegas. I

40

1 A. No.

2 **Q. When you spoke to Shad Applegate a week ago,**
 3 **did you mention to him that the FTC was trying to locate**
 4 **him or did he mention to you that the FTC was trying to**
 5 **locate him?**

6 A. No.

7 **Q. Do you know where Shad Applegate works now?**
 8 A. No. I mean, probably his own companies, you

9 know. I don't --

10 MR. JUHASZ: Okay. Wait. Don't say
 11 probably. You either know where he works or you don't.
 12 If you do, tell her.

13 A. Yeah. No, I don't know.

14 **Q. Do you have any idea about how he makes money**
 15 **to travel and pay his bills?**

16 A. No.

17 **Q. I've handed you a document that has been marked**
 18 **as Exhibit 3. Please review the document. As you can**
 19 **see, this is a document from the Nevada Secretary of**
 20 **State, and it is regarding EMP Media, Inc. Do you see**
 21 **that this is reflecting Secretary of State records related**
 22 **to EMP Media, Inc.?**

23 A. Yes.

24 **Q. Do you see where it lists you as the registered**
 25 **agent?**

10 (Pages 37 to 40)

<p>1 A. Yes.</p> <p>2 Q. Have you ever been served papers in this 3 capacity as the registered agent for EMP Media, Inc.?</p> <p>4 A. Served papers as -- I don't understand.</p> <p>5 Q. In any capacity of EMP Media, Inc., being sued 6 or any official business related to EMP Media?</p> <p>7 A. Not me personally, no.</p> <p>8 Q. And do you see where it lists officers of 9 secretary, president, treasurer, and director? It lists 10 your name --</p> <p>11 A. Yes.</p> <p>12 Q. -- Aniello Infante?</p> <p>13 A. Yes.</p> <p>14 Q. And did you have any day-to-day duties in any 15 of these capacities?</p> <p>16 A. No.</p> <p>17 Q. And do you see the address of 6130 Flamingo 18 Road, No. 732, Las Vegas, Nevada?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know that to be the corporate address of 21 EMP Media, Inc.?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know of any other way to contact 24 anybody -- Shad Applegate or any other corporate officers 25 of EMP Media, Inc.?</p>	<p>41</p> <p>1 no.</p> <p>2 Q. Did Shad Applegate provide you this paperwork 3 to complete?</p> <p>4 A. Yes.</p> <p>5 Q. If you turn to Page FTC-EX-0005.</p> <p>6 MR. JUHASZ: Neil, do you see the little</p> <p>7 Bates numbers down there?</p> <p>8 A. Yes.</p> <p>9 Q. The name Burak Baskan is listed as president; 10 do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know why he was listed as president?</p> <p>13 A. No, I do not.</p> <p>14 Q. Did you communicate with anyone about the 15 changes of roles that occurred?</p> <p>16 A. No.</p> <p>17 Q. If you flip to Page FTC-EX-00011, you'll see 18 that Shad Applegate is listed as president, secretary, 19 treasurer, and director; do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know why these change in roles occurred 22 on the corporate papers?</p> <p>23 A. No, I do not.</p> <p>24 Q. Were you informed of these changes?</p> <p>25 A. No.</p>
<p>42</p> <p>1 A. No. Just by attorney, I'd say, Jason Fisher.</p> <p>2 Q. And is there any documents you would have to 3 identify any other places of business at which EMP Media, 4 Inc., operated at?</p> <p>5 A. No, I don't.</p> <p>6 Q. I've handed you a documented that has been 7 marked as Exhibit 4. Please review this document. So as 8 you can -- have you had a chance to review it?</p> <p>9 A. Correct; yes.</p> <p>10 Q. As you can see, this is a document from the 11 Nevada Secretary of State, and it concerns EMP Media, Inc. 12 If you turn to Page 3, the Articles of Incorporation, 13 FTC-EX-3.</p> <p>14 A. Okay.</p> <p>15 Q. You'll see that's your name listed as 16 president; correct?</p> <p>17 A. Correct; yes.</p> <p>18 Q. And is this your signature at the bottom?</p> <p>19 A. Yes.</p> <p>20 Q. And this was in August of 2008. Where did 21 you -- do you remember where you completed this paperwork?</p> <p>22 A. I might have --</p> <p>23 MR. JUHASZ: Don't say you might have. You</p> <p>24 either remember or you don't.</p> <p>25 A. Yeah. I don't remember where I completed it,</p>	<p>43</p> <p>1 Q. Did it in any way impact the salary of \$1,000 a 2 month and the monthly car payments you received?</p> <p>3 A. No.</p> <p>4 Q. Please flip to Page 12. Do you see the name 5 Dena Renee Wright listed as president?</p> <p>6 A. Yes.</p> <p>7 Q. Does this refresh your memory about who this 8 person might be?</p> <p>9 A. No. Never met her.</p> <p>10 Q. Have you ever heard of her?</p> <p>11 A. Just through, you know, these -- these demands</p> <p>12 that you sent, yeah.</p> <p>13 Q. Okay. If you flip to Page 14, please, of this 14 exhibit. You'll see the name Bogden Prunes, listed as 15 president?</p> <p>16 A. Uh-huh.</p> <p>17 Q. And the address of [REDACTED]. Does 18 this refresh your memory about who this person is?</p> <p>19 A. Yeah. No, never met him.</p> <p>20 Q. And on Page 15 of this Exhibit, B. Lambert is 21 listed as president, secretary, treasurer, and director.</p> <p>22 Does this refresh your recollection at all --</p> <p>23 A. No.</p> <p>24 Q. -- of who this would be?</p> <p>25 A. No.</p>
<p>42</p> <p>1 A. No. Just by attorney, I'd say, Jason Fisher.</p> <p>2 Q. And is there any documents you would have to 3 identify any other places of business at which EMP Media, 4 Inc., operated at?</p> <p>5 A. No, I don't.</p> <p>6 Q. I've handed you a documented that has been 7 marked as Exhibit 4. Please review this document. So as 8 you can -- have you had a chance to review it?</p> <p>9 A. Correct; yes.</p> <p>10 Q. As you can see, this is a document from the 11 Nevada Secretary of State, and it concerns EMP Media, Inc. 12 If you turn to Page 3, the Articles of Incorporation, 13 FTC-EX-3.</p> <p>14 A. Okay.</p> <p>15 Q. You'll see that's your name listed as 16 president; correct?</p> <p>17 A. Correct; yes.</p> <p>18 Q. And is this your signature at the bottom?</p> <p>19 A. Yes.</p> <p>20 Q. And this was in August of 2008. Where did 21 you -- do you remember where you completed this paperwork?</p> <p>22 A. I might have --</p> <p>23 MR. JUHASZ: Don't say you might have. You</p> <p>24 either remember or you don't.</p> <p>25 A. Yeah. I don't remember where I completed it,</p>	<p>44</p> <p>1 Q. Did it in any way impact the salary of \$1,000 a 2 month and the monthly car payments you received?</p> <p>3 A. No.</p> <p>4 Q. Please flip to Page 12. Do you see the name 5 Dena Renee Wright listed as president?</p> <p>6 A. Yes.</p> <p>7 Q. Does this refresh your memory about who this 8 person might be?</p> <p>9 A. No. Never met her.</p> <p>10 Q. Have you ever heard of her?</p> <p>11 A. Just through, you know, these -- these demands</p> <p>12 that you sent, yeah.</p> <p>13 Q. Okay. If you flip to Page 14, please, of this 14 exhibit. You'll see the name Bogden Prunes, listed as 15 president?</p> <p>16 A. Uh-huh.</p> <p>17 Q. And the address of [REDACTED]. Does 18 this refresh your memory about who this person is?</p> <p>19 A. Yeah. No, never met him.</p> <p>20 Q. And on Page 15 of this Exhibit, B. Lambert is 21 listed as president, secretary, treasurer, and director.</p> <p>22 Does this refresh your recollection at all --</p> <p>23 A. No.</p> <p>24 Q. -- of who this would be?</p> <p>25 A. No.</p>

<p>1 Q. And if you flip to Page 18, please, of the 2 exhibit. Your name is back to being listed as president, 3 secretary, treasurer, and director. Is that your 4 signature at the bottom of this Page 18?</p> <p>5 A. No, that is not.</p> <p>6 Q. Were you aware of these changes being made when 7 you were listed back as a corporate officer?</p> <p>8 A. No, I wasn't aware.</p> <p>9 Q. Do you know who filed this document?</p> <p>10 A. No, I do not.</p> <p>11 Q. Please flip to Page 21 of the exhibit. The 12 certificate of dissolution. Is that your signature at the 13 bottom where it was dated July 7th, 2016?</p> <p>14 A. No, that's not my signature.</p> <p>15 Q. Do you read that to be your name?</p> <p>16 A. I don't -- in a way, a little bit, but, I just 17 knew that it was being dissolved; that's all.</p> <p>18 Q. And it says there's a filing fee of \$100; 19 correct, at the bottom here?</p> <p>20 A. Yeah.</p> <p>21 Q. Did you pay that \$100 or no?</p> <p>22 A. No.</p> <p>23 Q. So you knew the company was going to be 24 dissolved?</p> <p>25 A. Yeah.</p>	<p>45</p> <p>1 A. No, I actually didn't.</p> <p>2 Q. Are you now aware that it is a web site that 3 posts pictures and personal information about consumers 4 that are submitted by other consumers?</p> <p>5 A. From -- yeah, from reading the demand.</p> <p>6 Q. And do you know that these pictures often 7 include nude images or sexually explicit images?</p> <p>8 A. From reading that, yes.</p> <p>9 Q. I've handed you an exhibit marked 5. And I'll 10 represent that this is the landing page for MyEx.com, as 11 captured by the Wayback machine for December 11th, 2012. 12 And you might see that there's some images that have been 13 not loaded or populated on this representation, but that 14 it has different entries of submissions.</p> <p>15 A. Uh-huh.</p> <p>16 Q. And you haven't seen this web site before?</p> <p>17 A. No.</p> <p>18 Q. I've handed you an exhibit that has been marked 19 Exhibit 6. Please review this document. Have you had an 20 opportunity to review it?</p> <p>21 A. Yes.</p> <p>22 Q. And is this the privacy policy for MyEx.com?</p> <p>23 A. I --</p> <p>24 Q. Or I will represent that it is the privacy 25 policy listed on MyEx.com for a period of time, including</p>
<p>1 Q. How did you know it?</p> <p>2 A. Through a conversation probably with Shad, 3 saying that the company -- Shad Applegate, being resolved.</p> <p>4 Q. And does this refresh your recollection about 5 when that conversation occurred?</p> <p>6 A. Probably around -- yeah, around that time.</p> <p>7 Maybe June '16.</p> <p>8 Q. And was any reason beyond the company no longer 9 being profitable provided for why?</p> <p>10 A. Yeah, just dissolving the company.</p> <p>11 Q. Were there assets that EMP Media had in its 12 name when the dissolution occurred?</p> <p>13 A. No.</p> <p>14 MR. JUHASZ: No, or do you know?</p> <p>15 A. I don't know, but, you know --</p> <p>16 Q. Okay. Go off the record, please.</p> <p>17 (A recess was taken)</p> <p>18 Q. Back on the record, please. Mr. Infante, are 19 you familiar with a web site called MyEx.com?</p> <p>20 A. No, I'm not.</p> <p>21 Q. Have you ever visited the web site, MyEx.com?</p> <p>22 A. No.</p> <p>23 Q. When you received the Civil Investigative 24 Demand that mentions MyEx.com, did you Google it or search 25 it?</p>	<p>46</p> <p>1 as the Wayback machine memorialized as December 31st, 2 2012, which is in the upper right-hand corner. Do you 3 recognize this document?</p> <p>4 A. No.</p> <p>5 Q. Do you see on the first line under MyEx privacy 6 policy, that it states EMP Media, Inc., DBA, MyEx, has 7 created this privacy statement in order to demonstrate its 8 commitment to customer privacy?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know who would have drafted this 11 document for EMP Media, Inc.?</p> <p>12 A. No.</p> <p>13 Q. And that is the business you're president, 14 secretary, treasurer, and director of; correct?</p> <p>15 A. Yes.</p> <p>16 Q. Does this refresh your recollection about 17 whether EMP Media ever controlled MyEx.com?</p> <p>18 A. No; no.</p> <p>19 Q. Who would know about this?</p> <p>20 A. I would say Burak Baskan and Shad Applegate.</p> <p>21 Because it just says has created this privacy statement.</p> <p>22 That's -- I mean, that's all I see it as.</p> <p>23 Q. Do you know who at the company would have 24 written this privacy policy?</p> <p>25 A. Who -- I'm sorry. Repeat the question.</p>